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K. B.) 2 W. Bl. 892; *Ricker v. Freeman* (1870) 50 N. H. 420. Where the intervening act was negligent, the defendant is not liable if the later act of negligence could not have been foreseen as a consequence of the defendant's negligence, it being said that the later act of negligence "insulates" that of the defendant. *Horton v. Forest City Telephone Co.* (1907) 146 N. C. 429, 59 S. E. 1022. See Henry T. Terry, *Proximate Consequences in the Law of Torts* (1914) 28 HARV. L. REV. 10. Where, however, the intervening act was a wilful wrong, practically all courts have exonerated the defendant. *Alexander v. Town of New Castle* (1888) 115 Ind. 51, 17 N. E. 200; *Andrews v. Kinsel* (1901) 114 Ga. 390, 40 S. E. 300. But a broader view has been taken that the intervening act of a third person, whether negligent or wilful, does not necessarily break the causal connection, if in fact the intervening act was foreseeable as a *not unlikely* consequence of the defendant's negligent conduct. *Lane v. Atlantic Works* (1872) 111 Mass. 136; *Brower v. N. Y. C. & H. Ry.* (1918) 91 N. J. Law 190, 103 Atl. 166. See Jeremiah Smith, *Legal Cause in Actions of Tort* (1911-12) 25 HARV. L. REV. 103, 223, 303. The instant case may be sound in denying the plaintiff the damages he asked, for the other reason given,—public policy,—but to say that the defendant's negligence was not the proximate cause merely because the voluntary act of a third person intervened, would in many cases be too lenient on a wrongdoer. The decision may, perhaps, be explained as a survival of the hidebound doctrine, to which the English courts have adhered rather closely, that the original publisher of defamation is not liable for the damage which results from an unauthorized re-publication by a third person. See *Ward v. Weeks* (1830, C. P.) 7 Bing. 211.

TORTS—UNIONS—APPLICATION OF STATUTE TO CLOSED SHOP STRIKE.—In a jurisdiction where there was a statute in force denying the right to enjoin strikers where the dispute was over "terms and conditions of employment," a strike for a closed shop was called by the defendants in several factories. On application for an injunction by the plaintiff the trial court held that the statute applied, and modified the preliminary order. Held (on other grounds), that the appeal should not be granted, with a *dictum* that a strike for a closed shop did not come within the statute. *A. J. Monday Co. v. Automobile, Aircraft, & Vehicle Workers of America, local no. 25 et al.* (1920, Wis.) 177 N. W. 867.

It is now well settled that a strike for an advance in wages, a reduction in the hours of labor, or any other legitimate advantage, conducted in a lawful manner and under such conditions as not to inflict injury wantonly or maliciously on persons or property, is lawful. *State v. Stockford* (1904) 77 Conn. 227, 58 Atl. 769; *Jersey City Printing Co. v. Cassidy* (1902) 63 N. J. Eq. 759, 53 Atl. 230. Recent decisions have generally held that a closed shop is a legitimate advantage, because it strengthens the union. *Cohn & Roth Electric Co. v. Brick Layers, Masons, & Plasterers local No. 1* (1917) 92 Conn. 161, 101 Atl. 659; *Bossert v. Dhuy* (1917) 221 N. Y. 342, 117 N. E. 582. But on the other hand a strike for this purpose was held illegal even before a statute in Massachusetts, for, it was said, the primary object is to injure the employer or non-union man and the purpose of strengthening the union is too remote. *Folsom v. Lewis* (1911) 208 Mass. 336, 94 N. E. 316. And it has been held that interference with an employer's right to employ whom he pleases cannot be justified. *Erdman v. Mitchell* (1903) 207 Pa. 79, 56 Atl. 327. A strike for a closed shop has been held to come under the Clayton Act, from which the statute in the instant case is copied. *Duplex Printing Press Co. v. Deering et al.* (1918, C. C. A. 2d) 252 Fed. 722. Yet the Supreme Court of the United States had said that a strike for a union mine was illegal and did not come under the Clayton Act. See *Hitchman Coal & Coke Co. v. Mitchell* (1917) 245 U. S. 229, 38 Sup. Ct. 65, L. R. A. 1918 C, 497, note. But Justices Brandeis, Holmes, and Clarke, dissented and recognized the advantage to the union and the lawful-

ness of such a strike. See Cook, *Privileges of Labor Unions in the Struggle for Life* (1918) 27 YALE LAW JOURNAL, 779; NOTES (1918) 31 HARV. L. REV. 482, 648. In England a threatened strike over the employment of a man belonging to another union was held to be a trade dispute within the meaning of Trade Dispute Act of 1906 (6 Edw. VII c. 47). *White v. Riley and Wood* (1920, C. A.) 36 T. L. R. 849. It is suggested that the growing tendency is to recognize the closed shop as a legitimate object of trade dispute and therefore that such statutes as that in the instant case should apply to a closed shop strike. See COMMENTS (1920) 29 YALE LAW JOURNAL, 790, 791.

TRUSTS—CHARITABLE USE—PRIVATE BURIAL GROUND.—The plaintiff brought a bill in equity to declare void, as violating the rule against perpetuities, a bequest of shares of stock in trust for the upkeep of a family burial ground. *Held*, that the trust was void as a perpetuity, as it was not for a charitable use. *Shippee v. Industrial Trust Co.* (1920, R. L.) 110 Atl. 410.

In the absence of statute, a trust for the upkeep of a family or individual tomb is usually held invalid, if it is to continue longer than the period of perpetuities. *Bird v. Lee* [1901] 1 Ch. 715; *McCartney v. Jacobs* (1919) 288 Ill. 568, 123 N. E. 557; *Van Syckel v. Johnson* (1912) 80 N. J. Eq. 117, 70 Atl. 657. Some few courts have held, even at common law, that such a trust was valid. See *Nauman v. Weidman* (1897) 182 Pa. 263, 265, 37 Atl. 863; *Swasey v. American Bible Society* (1869) 57 Me. 523; overruled by *Piper v. Moulton* (1881) 72 Me. 155. But, if the trust is for the upkeep of a public cemetery, or one attached to a church, then it is for a charitable use, and is valid. *Attorney General v. Lucas* [1905] 1 Ch. 68; *Chapman v. Newell* (1910) 146 Iowa, 415, 125 N. W. 324; *contra*, *Van Syckel v. Johnson*, *supra*. A trust to erect and maintain a monument to a public character has been held valid. *Gilmer v. Gilmer* (1868) 42 Ala. 9. Local statutes in some states have rendered trusts similar to that in the instant case enforceable. See *Morse v. Natick* (1900) 176 Mass. 510, 57 N. E. 996; *Hewitt v. Wheeler School & Library* (1909) 82 Conn. 188, 72 Atl. 935; *Driscoll v. Hewlett* (1909) 132 App. Div. 125, 116 N. Y. Supp. 466. It is submitted that further statutory enactment validating such trusts is desirable. No depth of misfortune or poverty can deprive one of the members of civilized society of the privilege of having a grave, and a rule of law which would deny a generous testator the privilege of establishing a trust for such uses, and yet uphold a trust to pave the street, build a bridge, etc., would lack the elements of both reason and consistency. See *Chapman v. Newell* (1910) 146 Iowa, 415, 421, 125 N. W. 324, 327.

TRUSTS—SAVINGS BANK DEPOSITS WITHOUT CESTUI'S KNOWLEDGE—DEATH OF SETTLOR.—The defendant was administrator of the intestate estate of A. A had made several deposits of her own money in various savings banks in the form "A, trustee for B," in favor of the several petitioners, who received no notice of the existence of such deposits until after A's death. The deposits were increased at various times and in one case, withdrawals were made of some of the accrued interest. *Held*, that a valid trust was created in favor of B upon making such deposits. *Cazallis v. Ingraham* (1920, Me.) 110 Atl. 359.

The Massachusetts court would have arrived at a contrary decision, since it arbitrarily requires notice to the cestui to establish the trust. *Cleveland v. Hampden Savings Bank* (1902) 182 Mass. 110, 65 N. E. 27; *Clark v. Clark* (1871) 108 Mass. 522. Other courts would not have found the necessary intent to create an immediate, irrevocable right in the cestui at the time of making the deposit, on the facts of this case. *Nicklas v. Parker* (1907) 71 N. J. Eq. 777, 61 Atl. 267; *Marcy v. Amazeen* (1881) 61 N. H. 131. Under the doctrine of "tentative trusts," the New York court by a different process of reasoning would have arrived at the same conclusion as that in the principal case. *Matter of Totten* (1904) 179 N. Y. 112, 71 N. E. 748; *cf. Walso v. Latterner* (1918)